

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
01/08/2002

01/04/2002

CLERK OF THE COURT
FORM R193B

HON. MICHAEL O. WILKINSON

S. Mena
Deputy

CR 1997-009340

FILED: _____

STATE OF ARIZONA

MARIA Y ARMIJO
JEANNETTE GALLAGHER

v.

TONATIHU AGUILAR

BRUCE E BLUMBERG
ROBERT L STORRS

DOB: 2/11/1980

APO-SENTENCE IMPRISONMENT-CCC
APPEALS-CCC
DISPOSITION CLERK-CCC
VICTIM WITNESS DIV-CA-CCC

SENTENCE OF IMPRISONMENT

11:15 State is represented by MARIA Y ARMIJO WITH JEANNETTE GALLAGHER. Defendant is present and represented by BRUCE E BLUMBERG WITH ROBERT STORRS.

Court Reporter, MARIANNE BURTON, is present.

Prior to Sentencing, the Court denies the two motions of the Defendant to dismiss Death Penalty allegations.

The Defendant is advised of the charge, the determination of guilt and is given the opportunity to speak.

Pursuant to A.R.S. Section 13-607,

THE COURT FINDS AS FOLLOWS:

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JURY VERDICT: The determination of guilt was based upon a verdict of guilty after a jury trial.

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the following crime(s) as set forth on the following page(s), that upon due consideration of all the facts, law and circumstances relevant herein, the Court finds that suspension of sentence and a term of probation are not appropriate and that a sentence of imprisonment with the Department of Corrections is appropriate.

THE COURT FURTHER FINDS that there are circumstances sufficiently substantial to call for the term as indicated. These circumstances are stated by the Court on the record and in the Special Verdict set forth in a separate minute entry.

AS PUNISHMENT, IT IS ORDERED that the Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

OFFENSE: COUNT I: SECOND DEGREE MURDER

FELONY CLASS: 1 NON REPETITIVE

IN VIOLATION OF A.R.S. SECTIONS 13-1101, 13-1105, 13-710, AND 13-801

DATE OF OFFENSE: 10/15/1996

SENTENCE: 16 YEARS

This sentence is to date from THIS DATE.

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The Defendant is to be given credit for 0 days served prior to sentencing.

This sentence is to be consecutive to COUNTS II, III AND V.

OFFENSE: COUNT II: FIRST DEGREE MURDER

FELONY CLASS: 1 NON REPETITIVE

IN VIOLATION OF A.R.S. SECTIONS 13-1101, 13-1105, 13-703, AND 13-801

DATE OF OFFENSE: 10/15/1966

SENTENCE: NATURAL LIFE

This sentence is to date from THIS DATE.

The Defendant is to be given credit for 1,626 days served prior to sentencing.

This sentence is to be consecutive to COUNTS I, III AND V.

OFFENSE: COUNT III: ENDANGERMENT

FELONY CLASS: 6 NON REPETITIVE

IN VIOLATION OF A.R.S. SECTIONS 13-1201, 13-701, 13-801, 13-812, AND 13-604(P)

DATE OF OFFENSE: 10/15/1996

SENTENCE: THREE YEARS
Aggravated

DANGEROUS pursuant to A.R.S. Section 13-604

This sentence is to date from THIS DATE.

The Defendant is to be given credit for 0 days served prior to sentencing.

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This sentence is to be consecutive to COUNTS I, II, AND V.

OFFENSE: COUNT V: BURGLARY IN THE FIRST DEGREE

FELONY CLASS: 2 NON REPETITIVE

IN VIOLATION OF A.R.S. SECTIONS 13-1904, 13-1901, 13-1902, 13-701, 13-702, AND 13-801

DATE OF OFFENSE: 10/15/1996

SENTENCE: 10 YEARS
Aggravated

NONDANGEROUS

This sentence is to date from THIS DATE.

The Defendant is to be given credit for 0 days served prior to sentencing.

This sentence is to be consecutive to COUNTS I, II, AND III.

IT IS FURTHER ORDERED that the Defendant shall serve one day for every seven days of the sentence imposed under the supervision of the Community Supervision Program, to be served consecutively to the actual period of imprisonment.

RESTITUTION: IT IS ORDERED the Defendant shall make and pay restitution to the victim(s) of this crime, for the economic loss of the victim(s), through the Clerk of the Superior Court in the total amount of \$26,766.89. Restitution is owed in the following amounts to the following persons:

VICTIM COMPENSATION FUND	\$13,917.54	
MARICOPA COUNTY CLERK OF THE SUPERIOR COURT		\$615.39
ST. JOSEPH'S HOSPITAL, BILLING DEPARTMENT		\$12,233.96

Pursuant to A.R.S. § 31-254(D) and (E),

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Payment shall be 30% of Defendant's earnings while incarcerated at the Department of Corrections commencing ON A DATE TO BE DETERMINED and to continue until Defendant is released from the custody of the Department of Corrections.

Restitution ledger provided; priority of payment as stated in the restitution ledger.

The Court advises Defendant of the rights of review and provides written notice of those rights.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

ISSUED: Order of Confinement.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this order together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

FILED: Notice of Rights of Review After Conviction

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk

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Defendant's thumbprint is permanently affixed to this
sentencing order in open court.

11:30 Matter concludes.

/s/ HON. MICHAEL O. WILKINSON
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)